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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/565,447	01/20/2006	Louis Robert Litwin	PU030188	9881

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Robert D. Shedd
Thomson Licensing LLC
PO Box 5312
PRINCETON, NJ 08543-5312

EXAMINER	
BURD, KEVIN MICHAEL	
ART UNIT	PAPER NUMBER
2611	

MAIL DATE	DELIVERY MODE
03/10/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/565,447	LITWIN ET AL.	
	Examiner	Art Unit	
	Kevin M. Burd	2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 December 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-14* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-14* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

1. This office action, in response to the remarks filed 12/28/2008, is a final office action.

Response to Arguments

2. Applicant's arguments filed 12/28/2008 have been fully considered but they are not persuasive. Applicant states Sarkar describes estimating a received symbol and associating with that estimated symbol one correlation metric. However, Sarkar discloses the signal comprises symbols transmitted over a number of time slots and, over the number of time slots, the symbols are used to determine the synchronization words. This is shown in the previously cited passage of the specification as well as in figure 4. For this reason and the reasons cited in the previous office action, the rejection of the claims is maintained and stated below.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Sarkar (US 6,363,060).

Regarding claims 1 and 4, Sarkar discloses a method for use in a wireless receiver. A signal is received. The signal comprises symbols over a number of time slots where the symbols form a secondary synchronization code (SSC) (column 1, lines 35-44). There are 32 possible 16 element code words available (column 2, lines 23-40). A correlation strength metric is generated from each decoded SSC symbol. This correlation strength metric is a measure of the degree of correlation between the estimated transmitted symbol value and the received signal and is generated during the SSC decoding method (column 9, lines 36-53).

Regarding claims 2 and 5, Sarkar discloses storing the correlation values for each symbol and therefore for each time slot (column 9, lines 36-53). The metric values are determined and the degree of correlation (the highest metric) determines if the received signal is the expected symbol.

Regarding claims 3 and 6, cyclic shifts of the code word are performed to compare these shifted code words to the estimated code word (column 4, lines 23-29). The framing timing is detected from this decoding process.

Regarding claims 7 and 8, Sarkar discloses a method for use in a wireless receiver. A signal is received. The signal comprises symbols over a number of time slots where the symbols form a secondary synchronization code (SSC) (column 1, lines 35-44). There are 32 possible 16 element code words available (column 2, lines 23-40). A correlation strength metric is generated from each decoded SSC symbol. This correlation strength metric is a measure of the degree of correlation between the estimated transmitted symbol value and the received signal and is generated during the

SSC decoding method (column 9, lines 36-53). Sarkar discloses storing the correlation values for each symbol and therefore for each time slot (column 9, lines 36-53). The metric values are determined and the degree of correlation (the highest metric) determines if the received signal is the expected symbol.

Regarding claims 9 and 12, Sarkar discloses a wireless communication system. The receiver is shown in figures 3 and 6. A signal is received. The signal comprises symbols over a number of time slots where the symbols form a secondary synchronization code (SSC) (column 1, lines 35-44). There are 32 possible 16 element code words available (column 2, lines 23-40). A correlation strength metric is generated from each decoded SSC symbol. This correlation strength metric is a measure of the degree of correlation between the estimated transmitted symbol value and the received signal and is generated during the SSC decoding method (column 9, lines 36-53).

Regarding claim 10, a bank of correlators is shown in figures 3 and 6.

Regarding claim 11, cyclic shifts of the code word is performed to compare these shifted code words to the estimated code word (column 4, lines 23-29). The framing timing is detected from this decoding process.

Regarding claim 13, Sarkar discloses storing the correlation values for each symbol and therefore for each time slot (column 9, lines 36-53). The metric values are determined and the degree of correlation (the highest metric) determines if the received signal is the expected symbol. These values will be stored.

Regarding claim 14, cyclic shifts of the code word is performed to compare these shifted code words to the estimated code word (column 4, lines 23-29). The framing timing is detected from this decoding process.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin M. Burd whose telephone number is (571) 272-3008. The examiner can normally be reached on Monday - Friday 9 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David C. Payne can be reached on (571) 272-3024. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kevin M. Burd/
Primary Examiner, Art Unit 2611
3/8/2009